

## **Assembly Bill No. 1665**

### **CHAPTER 721**

An act to add and repeal Section 21080.14 of the Public Resources Code, relating to environmental quality.

[Approved by Governor September 28, 2012. Filed with  
Secretary of State September 28, 2012.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1665, Galgiani. California Environmental Quality Act: exemption: railroad crossings.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts from its requirements railroad grade separation projects that eliminate an existing grade crossing or reconstruct an existing grade separation.

Existing law grants the Public Utilities Commission (PUC) the authority to regulate railroad crossings, as prescribed.

This bill would, until January 1, 2016, exempt from CEQA the closure of a railroad grade crossing by order of the PUC under the above authority if the PUC finds the crossing to present a threat to public safety.

CEQA authorizes a state agency, whenever it determines that a project is not subject to CEQA pursuant to designated provisions and the state agency approves or determines to carry out the project, to file a specified notice of that approval or determination with the Office of Planning and Research. CEQA authorizes a local agency, whenever it determines that a project is not subject to CEQA pursuant to designated provisions and the local agency approves or determines to carry out the project, to file a specified notice of that approval or determination with the county clerk of each county in which the project will be located.

This bill would require a state agency that determines that such a railroad closure grade crossing project is not subject to CEQA, and the state agency approves or determines to carry out that project, to file a specified notice with the Office of Planning and Research. The bill also would require a local agency that makes such a determination, and approves or determines

to carry out that project, to file a specified notice with the Office of Planning and Research and with the county clerk in each county in which the project will be located. Because the bill would impose new duties on local agencies with regard to providing notice of project determinations, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 21080.14 is added to the Public Resources Code, to read:

21080.14. (a) This division does not apply to the closure of a railroad grade crossing by order of the Public Utilities Commission, pursuant to the commission's authority under Chapter 6 (commencing with Section 1201) of Part 1 of Division 1 of the Public Utilities Code, if the commission finds the crossing to present a threat to public safety.

(b) This section shall not apply to any crossing for high-speed rail, as defined in subdivision (c) of Section 185012 of the Public Utilities Code, or any crossing for any project carried out by the High-Speed Rail Authority, as described in Section 185020 of the Public Utilities Code, or a successor agency.

(c) (1) Whenever a state agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the state agency shall file a notice with the Office of Planning and Research in the manner specified in subdivisions (b) and (c) of Section 21108.

(2) Whenever a local agency determines that a project is not subject to this division pursuant to this section, and it approves or determines to carry out the project, the local agency shall file a notice with the Office of Planning and Research and with the county clerk in each county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21152.

(d) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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